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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GERARDO JAVIER ZARATE, and
GRISelda NEGRETE ZARATE,

Defendant.

Case No.: 2:19-mj-00362-NJK

**STIPULATION TO CONTINUE
THE PRELIMINARY HEARING
(First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between NICHOLAS A. TRUTANICH, United States Attorney, and ALLISON REESE, Assistant United States Attorney, counsel for the United States of America, KATHRYN NEWMAN, Assistant Federal Public Defender, counsel for Defendant GERARDO JAVIER ZARATE, and TODD LEVENTHAL, counsel for Defendant GRISelda NEGRETE ZARATE, that the preliminary hearing date in the above-captioned matter, currently scheduled for May 31, 2019, at 4:00 pm, be vacated and continued for thirty (30) days, to a date and time to be set by this Honorable Court.

1 This stipulation is entered into for the following reasons:

- 2 1. The Government needs additional time to produce relevant discovery to Defense
- 3 Counsel.
- 4 2. Defense Counsel needs additional time to review the discovery, conduct additional
- 5 investigation, and confer with the Defendants about how they would like to proceed.
- 6 3. The parties agree to the continuance.
- 7 4. Defendant GERARDO ZARATE is out of custody and does not object to the
- 8 continuance.
- 9 5. Defendant GRISELDA ZARATE is in ICE custody but does not object to the
- 10 continuance.
- 11 6. Additionally, denial of this request for continuance could result in a miscarriage of
- 12 justice.
- 13 7. The additional time requested herein is not sought for purposes of delay, but to allow for
- 14 a potential pre-indictment resolution of the case.
- 15 8. The additional time requested by this stipulation, is allowed, with the defendants'
- 16 consent under the Federal Rules of Procedure 5.1(d).
- 17 9. This is the first request for a continuation of the preliminary hearing.

18 DATED: May 29, 2019

19 Respectfully submitted,

20 /s/
KATHRYN NEWMAN, AFD
21 Counsel for Gerardo Javier Zarate

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Allison Reese

22 /s/
23 TODD LEVENTHAL
24 Counsel for Griselda Negrete Zarate

ALLISON REESE
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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3 UNITED STATES OF AMERICA,

2:19-mj-00362-NJK

4 Plaintiff,

ORDER

5 vs.

6 GERARDO JAVIER ZARATE, and
7 GRISELDA NEGRETE ZARATE,

8 Defendant.

9 ORDER

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
11 Court finds that:

- 12 1. The Government needs additional time to produce relevant discovery to Defense Counsel.
- 13 2. Defense Counsel needs additional time to review the discovery, conduct additional
14 investigation, and confer with the Defendants about how they would like to proceed.
- 15 3. The parties agree to the continuance.
- 16 4. Defendant GERARDO ZARATE is not in custody and does not object to the
17 continuance.
- 18 5. Defendant GRISELDA ZARATE is in ICE custody but does not object to the
19 continuance.
- 20 6. Additionally, denial of this request for continuance could result in a miscarriage of justice.
- 21 7. The additional time requested herein is not sought for purposes of delay, but to allow for
22 a potential pre-indictment resolution of the case.
- 23 8. The additional time requested by this stipulation, is allowed, with the defendants' consent
24 under the Federal Rules of Procedure 5.1(d).

1 9. This is the first request for a continuation of the preliminary hearing.

2 For all of the above-stated reasons, the ends of justice would best be served by a
3 continuance of the preliminary hearing date.

4 **CONCLUSIONS OF LAW**


5 The ends of justice served by granting said continuance outweigh the best interest of the
6 public and the defendants, since the failure to grant said continuance would be likely to result in
7 a miscarriage of justice, would deny the parties herein to potentially resolve the case prior to
8 indictment, and further would deny the parties sufficient time and the opportunity within which
9 to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account
10 the exercise of due diligence.

11 The continuance sought herein is allowed, with the defendants' consent, pursuant to
12 Federal Rules of Procedure 5.1(d).

13 **ORDER**

14 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for
15 May 31, 2019, at the hour of 4:00 pm, be vacated and continued to July 9, 2019, at 4:00 p.m.,
16 in Courtroom 3A.

17 DATED 29th day of May, 2019.

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19 
20 THE HONORABLE NANCY J. KOPPE
21 UNITED STATES MAGISTRATE JUDGE
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